

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	07 CR. 990 (VM)
	:	
- against -	:	<u>ORDER</u>
	:	
DERRICK SMIT,	:	
	:	
Defendant.	:	
-----	X	

VICTOR MARRERO, United States District Judge.

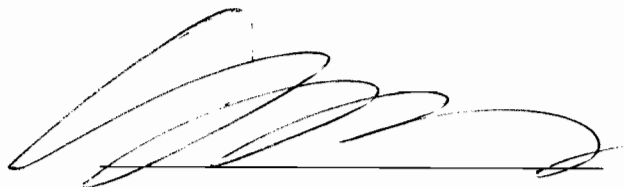
The Government (see attached letter) requests that the conference for defendant scheduled for January 11, 2008 be adjourned for thirty days. The next conference is scheduled for Friday, February 8, 2008 at 4:30 p.m.

All parties to this action consent to an exclusion of the adjourned time from the Speedy Trial Act until February 8, 2008.

It is hereby ordered that the adjourned time shall be excluded from speedy trial calculations. This exclusion is designed to guarantee effectiveness of counsel and prevent any possible miscarriage of justice. The value of this exclusion outweighs the best interests of the defendants and the public to a speedy trial. This order of exclusion of time is made pursuant to 18 U.S.C. §§ 3161(h)(8)(B)(ii) & (iv).

SO ORDERED:

Dated: New York, New York
9 January 2008



Victor Marrero
U.S.D.J.

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DOC #:
DATE FILED: 1-9-08



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

January 9, 2008

By Fax (212-805-6382)

Honorable Victor Marrero
United States District Judge
United States Courthouse
500 Pearl Street, Room 660
New York, New York 10007

Re: United States v. Derrick Smit, 07 Cr. 990 (VM)

Dear Judge Marrero:

This matter is scheduled for a pre-trial conference Friday, January 11, 2008. I write with the consent of the defense to request that the conference be adjourned approximately 30 days, at the Court's convenience. In light of recent negotiations between the parties, both counsel are optimistic that a disposition may be reached. We do not, however, expect such a disposition before the scheduled conference. Because this adjournment is sought to pursue plea negotiations, I also respectfully request that time under the Speedy Trial Act be excluded through any adjourn date.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By: Marshall A. Camp

Marshall A. Camp
Assistant United States Attorney
Tel. No.: (212) 637-1035

cc: Lawrence D. Gerzog, Esq. (by fax: 212-486-7701)

SO ORDERED.

DATE

HONORABLE VICTOR MARRERO
UNITED STATES DISTRICT JUDGE